THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22397 of 2007

Dated: 25.10.2007

Between:

K. Prakash Reddy
& another.

... Petitioners

AND

Municipal Corporation of Kurnool,
Rep., by its Commissioner, Kurnool,
Kurnool District and another.

... Respondents

Counsel for the petitioners : Sri A.V. Sesha Sai

Counsel for the respondents : Sri A. Sreedhar

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22397 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the endorsement dated 20.11.2006 issued by respondent No.2 as illegal and for a consequential direction to the respondents to grant construction permission in favour of the petitioners.

At the hearing, Sri A.V. Sesha Sai, learned counsel for the petitioners stated that the respondents have no power to insist on the petitioner to produce "No Objection Certificate" from the District Collector, Kurnool for granting building permission. He relied upon order dated 20.07.2007 passed in Writ Petition No.8660 of 2007, wherein this Court following the earlier judgment i n **Hyderabad Pottery Private Limited v. District Collector, Hyderabad**[1] held that the authorities competent to grant building permissions have no jurisdiction to insist on production of No Objection Certificate from the District Collector and allowed the writ petition.

Learned Standing Counsel for the respondents has not disputed this contention of the learned counsel for the petitioner.

In view of the same, the writ petition is allowed and the endorsement dated 20.11.2006 is set aside. The respondents are directed to consider the application filed by the petitioner for building permission in accordance with law, without insisting on

the No Objection Certificate from the District Collector.

As a sequel to disposal of the writ petition, WPMP.No.29040 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 25.10.2007
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[1] 2001 (3) ALD 600